

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NOVARTIS INTERNATIONAL
PHARMACEUTICAL AG,

Plaintiff,

v.

INCYTE CORPORATION,

Defendant.

Case No. 20-cv-00400-GHW
Hon. Gregory H. Woods

**DECLARATION OF DANIEL P. MACH IN SUPPORT OF INCYTE CORPORATION'S
MOTION TO DISMISS**

I, Daniel P. Mach, declare as follows:

1. I am an associate of the law firm Quinn Emanuel Urquhart & Sullivan, LLP, counsel in this action to Defendant Incyte Corporation.

2. I have personal knowledge of the facts stated in this declaration, and if called upon to testify to those facts I could and would competently do so.

3. Attached hereto as **Exhibit 1** is a true and correct copy of the Collaboration and License Agreement dated November 24, 2009, between Plaintiff Novartis International Pharmaceutical AG and Defendant Incyte Corporation.

4. Attached hereto as **Exhibit 2** is a true and correct copy of the First Amendment to the Collaboration and License Agreement dated September 1, 2010, between Plaintiff Novartis International Pharmaceutical AG and Defendant Incyte Corporation.

5. Attached hereto as **Exhibit 3** is a true and correct copy of the Second Amendment to the Collaboration and License Agreement dated July 8, 2011, between Plaintiff Novartis International Pharmaceutical AG and Defendant Incyte Corporation.

6. Attached hereto as **Exhibit 4** is a true and correct copy of the Third Amendment to the Collaboration and License Agreement dated September 30, 2014, between Plaintiff Novartis International Pharmaceutical AG and Defendant Incyte Corporation.

7. Attached hereto as **Exhibit 5** is a true and correct copy of the Fourth Amendment to the Collaboration and License Agreement dated April 5, 2016, between Plaintiff Novartis International Pharmaceutical AG and Defendant Incyte Corporation.

8. Attached hereto as **Exhibit 6** is a true and correct copy of the Fifth Amendment to the Collaboration and License Agreement dated March 20, 2020, between Plaintiff Novartis International Pharmaceutical AG and Defendant Incyte Corporation.

Pursuant to 28 U.S.C. § 1746(2), I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 20, 2020, at New York, New York.

/s/ Daniel P. Mach

Daniel P. Mach